

AMENDED IN SENATE MAY 24, 2004  
AMENDED IN ASSEMBLY JANUARY 22, 2004  
AMENDED IN ASSEMBLY JANUARY 14, 2004  
AMENDED IN ASSEMBLY JANUARY 5, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 338**

**Introduced by Assembly Member Levine**

February 11, 2003

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An act to add Section 42703 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 338, as amended, Levine. Recycling: crumb rubber.

Existing law requires the State Procurement Officer, in purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available that utilize recycled materials, including crumb rubber, unless the Director of Transportation determines that the use of the materials is not cost effective based on specified factors.

This bill would require the Department of Transportation, ~~to the extent permitted by law, and in consultation with the board, to require the use of asphalt containing crumb rubber generated in the United States in lieu of other materials to the maximum extent feasible in state highway construction or repair projects that use asphalt, but not less to require the use of crumb rubber in at least than~~ 15% of ~~these~~ all state

highway and construction projects. ~~The bill would provide that it does not require the use of asphalt containing crumb rubber for a particular project if~~

*The bill would direct the department, if a state highway or construction project utilizes crumb rubber, to require the project to use crumb rubber manufactured in the United States that is derived from waste tires taken from vehicles owned and operated in the United States, unless the Department of Transportation determines that use of that material for a particular project will not meet engineering standards and specifications for that project or if it is not cost effective.*

The bill would provide that if the department determines that sufficient funds are not available in a fiscal year to implement the requirements of the bill, the department would not be required to implement those requirements during that fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Thirty-two million scrap tires are currently generated in  
4 California each year.

5 (b) By the year 2020, more than 43,000,000 scrap tires will be  
6 generated each year in California.

7 (c) There are currently up to 6,000,000 tires in legal and illegal  
8 scrap tire piles.

9 (d) Twenty-five percent of California scrap tires, more than  
10 8,000,000 tires, are disposed of in landfills or stockpiled in legal  
11 or illegal dumps.

12 (e) Crumb rubber from recycled scrap tires can be used as an  
13 additive for making asphalt for highway construction and repair.

14 (f) It is state policy to not discard scrap tires in landfills or legal  
15 or illegal stockpiles, and to find alternative uses for recycling tires  
16 that have been generated in California.

17 SEC. 2. Section 42703 is added to the Public Resources Code,  
18 to read:

19 ~~42703. (a) Except as provided in subdivision (d), the~~  
20 ~~Department of Transportation, to the extent permitted by law, and~~  
21 ~~in consultation with the board, shall require the use of asphalt~~

1 ~~containing crumb rubber generated in the United States in lieu of~~  
2 ~~other materials to the maximum extent, but not less than the~~  
3 ~~amount specified in subdivision (b), that is feasible in state~~  
4 ~~highway construction or repair projects that use asphalt.~~

5 ~~(b) In at least 15 percent of all state highway construction or~~  
6 ~~repair projects subject to subdivision (a), the Department of~~  
7 ~~Transportation shall require the use of asphalt containing crumb~~  
8 ~~rubber in lieu of other materials.~~

9 ~~(c) This section does not require the use of asphalt containing~~  
10 ~~crumb rubber generated in the United States for a particular project~~

11 *42703. (a) Except as provided in subdivision (c), in at least*  
12 *15 percent of all state highway construction or repair projects, the*  
13 *Department of Transportation shall require the use of asphalt*  
14 *containing crumb rubber in lieu of other materials.*

15 *(b) (1) Except as provided in paragraph (2) and subdivision*  
16 *(c), if a state highway or construction project utilizes crumb*  
17 *rubber, the Department of Transportation shall require the project*  
18 *to use crumb rubber manufactured in the United States that is*  
19 *derived from waste tires taken from vehicles owned and operated*  
20 *in the United States, in a manner otherwise consistent with this*  
21 *article.*

22 *(2) Paragraph (1) does not require the use of crumb rubber*  
23 *manufactured in the United States that is derived from waste tires*  
24 *taken from vehicles owned and operated in the United States, for*  
25 *a particular project, if the Department of Transportation*  
26 *determines that use of that material will not meet engineering*  
27 *standards and specifications for that project or if the use is not in*  
28 *accordance with any findings made pursuant to subdivision (a) of*  
29 *Section 42701.*

30 ~~(d)–~~

31 *(c) If the Department of Transportation determines that*  
32 *sufficient funds are not available in a fiscal year to implement the*  
33 *requirements of this section, the Department of Transportation is*  
34 *not required to implement this section during that fiscal year.*